

two hundred and fifty thousand dollars for the improvement of the water courses of Texas.

On motion of Mr. Eddy, the bill was re-committed to the committee on Internal Improvements.

A message was received from the House, informing the Senate that the House had passed a bill to make an appropriation to pay the expenses of the supreme court for the years 1851, 1852 and 1853.

On motion of Mr. Wilson, the bill was taken up and read first time, and, on motion of Mr. Wilson, the rule was suspended, bill read second time, and on motion of Mr. Hill, referred to the committee on Finance.

On motion of Mr. Sterne, a bill to confirm certain titles to land, so far as the location and survey are concerned, was taken up and read first time.

On motion of Mr. Parker, the rule was suspended, bill read second time, and referred to the committee on the Judiciary.

Joint resolution proposing to amend the 3rd section of the 10th article of the constitution, was read second time and referred to the committee on the Judiciary.

On motion of Mr. Kinney, Mr. Doane was added to the committee on Internal Improvements.

On motion of Mr. Taylor, Mr. Scott was added to the same committee.

On motion, the Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY, January 15, 1852.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Hart presented the petition of sundry citizens of Hunt county, praying the passage of a law allowing Lavina, a colored woman, to remain in the State; referred to the committee on State Affairs.

Mr. Taylor, chairman of the committee on Private Land Claims, reported back to the Senate a bill for the relief of J. F. Pittman, and recommended its passage.

Mr. Grimes, chairman of the committee on Finance, to which were referred a bill to make an appropriation to pay the expenses

of the supreme court for the years 1851, 1852 and 1853 ; and a bill making an appropriation to pay Joab B. Harrell, sheriff of Williamson county, for taking a convict to the Penitentiary, reported the same back to the Senate, and recommended their passage.

Mr. Grimes, from the same committee, made the following report :

The committee on Finance, to whom was referred a joint resolution for the benefit of Thomas William Ward, have had the subject under consideration. The resolution contemplates an appropriation to supply Col. Ward with wooden legs when necessary, in place of the leg he lost by a cannon shot at the storming of Bexar, in December, 1835. That he sustained the loss of his leg in the manner set forth in the resolution, is a matter of common notoriety, and susceptible of the most positive proof.— Therefore, your committee, in consideration of the services and sufferings of Col. Ward, cannot withhold from him the pittance necessary to supply, as far as in their power, the loss by him sustained in the cause of liberty and the independence of Texas.— Your committee are further of opinion that an acknowledgment of his services, by the Legislature, will be a matter of more gratification to Col. Ward, than the consideration of the money that may be appropriated in the bill for his benefit. Under these considerations, we return the bill, and recommend it to the favorable consideration of the Senate.

JESSE GRIMES, Chairman.

Mr. Eddy, from the committee on Education, to which was referred the petition of the President and Trustees of the Chappel Hill College, reported a bill granting two leagues of land to the Chappel Hill College, which was read first time.

Mr. Bigelow, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands, to whom was referred a bill for the relief of J. B. Thacker of San Augustine county, have had the same under consideration, and find from the testimony presented, that Mr. Thacker, while gallantly engaged in the Cherokee fight, under General Douglass, was severely wounded on the 16th day of July, A. D. 1839—that in consequence of his wound incurred in the service of the Republic of Texas, he has become almost helpless, that he is unable to leave his room or raise his hands to his head ; that he has necessarily exhausted his estate, which was very considerable, in the support of himself and family, and is now destitute of the means of support, with a large and dependent family, subject to the charity of his

friends and the public. Your committee are of the opinion that the case of Mr. Thacker presents a claim for relief which the State should not disregard, and that the provisions of the bill are not too ample. I am instructed to report the bill back to the Senate without amendment, and to earnestly recommend its passage. All of which is respectfully submitted.

ISRAEL B. BIGELOW, Chairman.

Mr. Bogart made the following report :

COMMITTEE ROOM, January 15, 1852.

To the Hon. J. W. HENDERSON,

President of the Senate:

A majority of the joint committee on Apportionment, upon whom has devolved the difficult and important duty of preparing and presenting a bill, apportioning amongst the several counties and districts of the State the members of the Legislature for the next eight years, beg leave to present the accompanying bill as the best result they have been able to arrive at, and recommend it to both branches of the Legislature for their consideration.

It is not deemed improper in justification of the action of the committee, to add that they have had many obstacles to encounter in arriving at the probable just estimate of the total amount of population contained in the State ; and again, in some instances in making a partition amongst the counties : First, owing to the incompleteness of the returns ; and secondly, on account of the inaccuracy of many returns that have been made. In such instances, where error has been manifest, the committee have deemed it but a part of their duty to rectify and correct them.—In others, again, the returns have proved unsatisfactory ; but in no instance where it has not been plain from the return itself, have they been changed or interrupted.

For, however complaints may, or may not be well founded, they have been regarded as remediless under the law, and therefore, beyond the control of the committee.

After a departure from the returns, the wisest and only reliance would be upon merely heresay testimony, which, to say the least, would be uncertain in its effects, and in the end prove alike unsatisfactory and unacceptable. Confusion alone could follow their disregard in one instance—such would involve, for like cause, the unsettlement and disturbance of every return that has been made, and thus defeat the purpose of an apportionment by the present Legislature altogether. In all cases where the return has not come to hand, the committee have proceeded, by the best data at their command, to estimate the probable amount of population embraced in such counties, and assigned them their

due proportion of representation, as in other cases. That such estimates are entirely free from error it is impossible to assert; but at the same time the committee feel assured that there is none such as materially to affect the equal distribution of representation in the various sections of the State. In point of numbers, the bill contemplates the full measure of the constitution—ninety for the House of Representatives, and thirty-three for the Senate. There existed great doubt in the minds of many of the committee as to the propriety of so great an increase; but the action of the House has been regarded as imperative in favor of that number, and the bill has been framed in conformity with its instruction.

Notwithstanding the most earnest endeavor, it has been found impossible, in every instance, to give all the counties what may be considered the entire amount of their rights; but the opinion is confidently entertained that the bill approximates as nearly to the principle of equality and justice as any that can be framed under a fixed, or perhaps any other basis. Certain it is, that neither of the grand divisions of the State can have room for serious complaint. The first Congressional district, having the majority of representative population, has been granted the ascendancy in the House, and the second, with a small excess in the electoral vote, has been yielded the preponderance in the Senate. The more scrupulous observance has been paid to this, that all cause for sectional strife and controversy may be avoided. It is not believed that any section can justly complain of inequality.—However, there must be in this, as in any other plan that can be proposed, occasional instances wherein there would seem to be cause for complaint. This has been found to be unavoidable, although the attempt has been made in every case when found practicable, to give a corresponding advantage in one, when a sacrifice has been necessarily imposed in the other; and if, at all times, this has not been afforded, the fault must not rest so much with the committee, as upon the peculiar position of the counties within which inequality may be alleged to exist.

SAM BOGART,

Chairman on part of Senate.

H. R. RUNNELS,

Chairman on part of House.

A bill to apportion the Senators and Representatives of the Legislature among the several counties of the State, according to the requirements of the constitution; read first time.

Mr. Gray, chairman of the committee on the Judiciary, reported back to the Senate a bill requiring the commissioner of the

General Land Office to issue patents for four leagues of the school lands of Washington county; and a bill to authorize the county clerk of Refugio county to transcribe certain records in his office, and recommended their passage.

Mr. Gray, from the same committee, reported back a bill to declare the Town Book of the town of Seguin in Guadalupe county, a book of record, and recommended its passage with the following amendment:

In 1st section, fourth line, after the word "Guadalupe," insert "which contains the original plan and entries of the sales of the lots or shares of said town."

Mr. Gray, also, made the following report:

JANUARY 14, 1852.

The committee on Judiciary have considered a bill to encourage the reporting of the decisions of the supreme court, and recommend it to the favorable consideration of the Senate. Concurring in the general object and importance of the measure, some of the committee would prefer a different mode for the publication of the decisions than that proposed by the bill: but not knowing which plan would meet the views of a majority of the Senate, the committee return the bill that it may be considered, and the sense of the Senate ascertained thereon.

P. W. GRAY, Chairman.

Mr. Gray, also, made the following report:

The committee on Judiciary have considered a bill to be entitled an act to confirm certain titles to land, so far as the location and survey are concerned. The titles proposed to be confirmed are certain grants made to settlers in Burnet's and Veihlein's colonies, which were located across the boundary line of the colonies. It appears that the same commissioner was authorized to issue titles in each colony, and he erroneously issued titles for land to settlers in Burnet's colony which lay partly in that and partly in Veihlein's, and vice versa. This was an error of judgment only, involving no fraud on the part of either the commissioner or settler; but the consequences of it will fall heavily on the settlers unless relief be given by law. Already land locators have commenced their operations to deprive the settler of his land. The committee see no impropriety in the bill, but on the contrary think it founded in good policy. It fully guards the rights of third parties, and ratifies no fraud.

Mr. Doane introduced a bill to amend and continue in force an act to incorporate the Colorado Mining company, and other companies for similar purposes, approved 17th January, A. D. 1842; read first time.

On motion of Mr. Eddy, 100 copies of the bill to apportion the Senators and Representatives of the Legislature among the several counties of this State, according to the requirements of the constitution, were ordered to be printed.

Mr. Merriman presented the petition of sundry persons in New Orleans, asking interest for certain amounts of second class claims, issued for supplies furnished the navy of Texas; referred to the committee on Finance.

Mr. Bigelow introduced a joint resolution to amend the 30th section of the general provisions of the constitution; read first time.

Mr. Doane introduced a bill to extend the provisions of an act, approved February 8, 1850, to investigate land titles in certain counties therein named; read first time.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, viz:

A bill for the relief of the heirs of William H. Smith, dec'd;

A bill to amend the third section of an act to provide for the transfer of the records of administrators to new counties; and

A bill to set apart ten leagues of land for Indian purposes.

Mr. Gray made the following report:

The committee on the Judiciary, having considered a joint resolution proposing to amend the constitution, and do not approve of it in its present form. It proposes to repeal the third section of the tenth article relating to school lands, without making any other provision on the subject, either restricting the power of the county courts over the land, or giving power to the Legislature to regulate the subject. The committee propose the enclosed substitute, to be entitled a joint resolution providing to amend the third section of the 10th article of the constitution.

ORDERS OF THE DAY.

The resolution of the House, inviting the Senate to meet the House of Representatives on Wednesday the 21st instant, for the purpose of electing a United States Senator; read, and, on motion of Mr. Taylor, indefinitely postponed.

A message was received from the House, informing the Senate that the House had passed a bill to restore lands sold for taxes, and purchased by the State, to the former owners, upon certain conditions therein named; also,

That the House had passed a bill to amend the 17th section of the act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad company, with amendments.

A bill to quiet the land titles within the limits of Peters' colony; and to provide for locating and surveying the lands and issuing the certificates and patents to which the colonists and contractors are entitled; read.

Mr. Wilson moved to amend 1st section by striking out "2,000," and inserting "1,700," in tenth line.

Mr. Dancy moved a division of the question.

On motion of Mr. Hart, the bill was laid on the table until 3 o'clock.

On motion of Mr. Merriman, a bill to restore lands sold for taxes, and purchased by the State, to the owners, upon certain conditions therein named, was taken up and read first time.

On motion of Mr. Merriman, the rule was suspended, and bill read second time.

Mr. Merriman offered the following amendment:

Add at the end of the 1st section, "and that on all entries and locations made since the 31st day of December, 1851, upon land sold for taxes and purchased by the State, the Commissioner of the General Land Office shall not issue patents; and when lands shall hereafter be sold for taxes and purchased by the State, they shall not be subject to entry or location, but shall be disposed of as the Legislature may direct, and the proceeds arising from such disposition shall be paid into the Treasury of the State;" adopted.

On motion of Mr. Kinney, the Senate adjourned until three o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill to quiet the land titles within the limits of Peters' colony, and to provide for locating and surveying the lands and issuing the certificates and patents to which the colonists and contractors are entitled.

The question on Mr. Dancy's motion to strike out 2,000, was put, and lost by the following vote:

YEAS—Messrs. Burks, Dancy, Davis, Duggan, Eddy, Grimes, Scott, Truit and Wilson—9.

NAYS—Messrs. Bigelow, Bogart, Gray, Hart, Hill, Kinney, Merriman, Meusebach, Parker, Sterne and Taylor—11.

The question then recurred on Mr. Wilson's motion to strike out 2,000, and insert 1,700, upon which the yeas and nays were as follows:

YEAS—Messrs. Burks, Dancy, Davis, Duggan, Eddy, Grimes, Reaves, Scott, Truit and Wilson.—10.

NAYS—Messrs. Bigelow, Bogart, Doane, Gray, Hart, Hill,

Kinney, Merriman, Meusebach, Parker, Sterne and Taylor—12 ;
lost.

Mr. Grimes offered the following amendment :

Strike out after "1850," in 11th line of 2nd section, the following words: "or in lieu thereof, said certificates may be located upon any of the vacant unappropriated public domain belonging to the State of Texas, not heretofore titled, located, reserved or surveyed under the authority of the Government of Spain, Mexico, or the State of Texas, and upon any or all of said described lands in such portions or numbers as said agent may choose or prefer ;" adopted.

Mr. Grimes offered the following amendment :

Strike out after the word "delay," in eighth line of 1st section, the words "and without charge ;" adopted.

Mr. Hart offered the following amendment :

In section 10, in line ten, after the word section, insert "and that he has never received any land as a headright, from the Republic or State of Texas ;" adopted.

Mr. Wilson offered the following amendment :

Add to 10th section : "Provided, that any certificate or patent issued by virtue of this section, to any person who may have previously obtained land or a certificate for land, from Mexico, Coahuila and Texas, or the Republic or State of Texas, shall be null and void ;" adopted.

On motion of Mr. Wilson, the caption of the bill was amended so as to read, "a bill relative to lands in Peters' colony."

On motion of Mr. Hill, the words "this State" in eighth line of 10th section, was stricken out, and the words "said colony" inserted.

On motion of Mr. Eddy, "twenty-five cents," in fourteenth line of 10th section, was stricken out, and "fifty cents" inserted.

Mr. Gray moved to reconsider the vote which refused to strike out "2,000 ;" carried, and vote reconsidered.

On motion of Mr. Bigelow, the further consideration of the bill was postponed until to-morrow.

On motion of Mr. Merriman, a bill to restore lands sold for taxes and purchased by the State, to the former owners, upon certain conditions therein named, was taken up, read, and passed to third reading.

On motion of Mr. Merriman, the rule was suspended, bill read third time and passed.

On motion of Mr. Parker, the rule requiring reports to lay on the table one day, was suspended, and the report of the commit-

tee on the Judiciary, on a bill to confirm certain titles to land, so far as the location and survey are concerned, was taken up.

Mr. Gray offered the following amendment :

In 1st section, second line, strike out "colonial titles to land," and insert "titles made to colonists or settlers for their headright claims;" adopted.

On motion of Mr. Dancy, the following proviso was added to to the above amendment :

"Provided that said claims shall not exceed in quantity, one league and labor to one individual."

The bill was then passed to third reading.

On motion of Mr. Parker, the rule was further suspended, bill read third time and passed.

Joint resolution providing for the removal of the remains of the late Stephen F. Austin, for interment in the State burial ground at the city of Austin; read third time and passed.

Joint resolution for the relief of James Pratt Plummer, Warren Lyons, and Chipita Willse, wife of Benjamin T. Willse; read third time and passed.

On motion of Mr. Bigelow, the Senate adjourned until 10 o'clock to-morrow morning.

FRIDAY, January 16, 1852.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor, chairman of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, have considered the petition of John Conner, a Delaware chief. It appears from the facts that sometime in the year 1842, the President of the then Republic of Texas, made an agreement with Conner to procure a consultation of the various tribes of Indians, for the purpose of forming a treaty, for which Conner was to receive one league of land. In consideration thereof, a majority of the committee have instructed me to report a bill for his relief, and recommend its passage.

A bill for the relief of John Conner, a Delaware chief; read first time.

Mr. Parker, chairman of the committee on Claims and Accounts, to which was referred a bill for the relief of the persons